

Before the School Ethics Commission
Docket No.: C29-24
Decision on Probable Cause

John Sico, Jr.,
Complainant

v.

Christine Reese,
Millstone Township Board of Education, Monmouth County,
Respondent

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on March 21, 2024, by John Sico, Jr. (Complainant), alleging that Christine Reese (Respondent), a member of the Millstone Township Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A. 18A:12-21 et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A. 18A:12-24.1(f)* of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on April 26, 2024.

The parties were notified by correspondence dated December 10, 2024, that the above-captioned matter would be discussed by the Commission at its meeting on December 17, 2024, in order to make a determination regarding probable cause. Following its discussions on December 17, 2024, and January 28, 2025, the Commission adopted a decision at its meeting on January 28, 2025, finding that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to believe that the Act was violated as alleged in the Complaint.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant provides that in October 2023, the Millstone Township Republican County Committee (MTRCC) mailed correspondence to the township residents endorsing “new” candidates for the Board. According to Complainant, the correspondence contained a list of concerns “regarding the incumbent team,” which included “school budget and operating efficiencies, benefits afforded to administrative district employees working part-time in the district, and dismissal of parent concerns raised at board meetings.”

Complainant asserts that on November 3, 2023 (four days before the election), Respondent, in conjunction with the Superintendent, issued “a district email blast” to all parents to “inform the community of the budgetary process and share details regarding recent budgets of

the [District].” According to Complainant, the “stated reason” for sending the email was because “members of the public have been questioning the spending and transparency of the [District] as well as the budgetary process.” Per Complainant, after an explanation of the District’s budget, the benefits of shared services, policy regarding public comment at Board meetings, among other key points, the correspondence concluded with, “It is hoped that this information adds additional transparency to the Board’s actions in these areas and clarifies any misinformation that has been circulating among the community.” Complainant provides that subsequently, on that same day, a resident posted a comment on the “Millstone Township Schools” Facebook page, thanking the Superintendent and Respondent for explaining the issues and for putting “all the misinformation to rest.” This resident also noted, “I really can’t stand people to manipulate (lie) information for their personal gain as was done [by] the Millstone Republican County Committee.” Complainant further provides the next day (November 4, 2023), the Board Vice President, who was running for re-election, posted on that same page, “I make the statement of becoming more political as I assume most of you received a letter from the Republican County Executive Committee endorsing four candidates . . . I hope you have all seen the school district reply to that letter that went out via our List serv yesterday addressing statements made in that letter.” According to Complainant, the Board Vice President’s post was “made in direct response to the [MTRCC] endorsement letter,” and Respondent “liked” the post, affirming her support of the statement that the Board Vice President made.

With the above in mind, Complainant asserts Respondent violated *N.J.S.A.* 18A:12-24.1(f) because she acted in “her capacity as then [B]oard [P]resident, [and] used official Millstone school district resources for personal gain.” Complainant argues, by sending the email blast to the District’s parents, Respondent attempted to “influence the outcome of the [2023 election] in favor of the incumbent team.”

B. *Written Statement*

Respondent maintains that she does not have access to the District’s “listserv,” and therefore, could not have personally sent out the email. Respondent further maintains that the listserv is controlled by the District’s administrators. Respondent argues that the email does not name any individuals nor state that it was directed toward the candidates. Respondent argues although the email “may have clarified some of the misinformation in the [MTRCC] flyer,” it does not mention the MTRCC nor any of the candidates. Respondent maintains the email was “purely factual information and statistics,” and not an endorsement of any candidates.

Respondent notes that she was not up for re-election in 2023, and therefore, “there is no personal benefit to her in co-authoring a letter to the community with” the Superintendent to correct “misinformation that had been circulating prior to the November 2023 election.” Respondent argues Complainant did not allege that Respondent’s “actions were for the benefit of a special interest group although he intimates as much.” Respondent further argues that Complainant has not provided any evidence to demonstrate that she “was aligned with any special interest or political group and took action on their behalf.” According to Respondent, Complainant merely speculates that Respondent’s intentions were to influence the election. Respondent maintains there “is nothing improper” with the Board President assisting the Superintendent with providing accurate information to the community, and the fact that the election was near does not “impact the propriety of disseminating truthful information to the

public.” Respondent asserts “there was no unique personal benefit to Respondent, nor any other special interest group as a result of the communication,” and therefore, Complainant has failed to state a claim of a violation of *N.J.S.A.* 18A:12-24.1(f).

III. Analysis

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C.* 6A:28-9.7. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. Pursuant to *N.J.A.C.* 6A:28-9.7(a), probable cause “shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated.”

Alleged Violations of the Act

Complainant submits that, based on the conduct more fully detailed above, Respondent violated *N.J.S.A.* 18A:12-24.1(f), and this provision of the Code provides:

f. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

Pursuant to *N.J.A.C.* 6A:28-6.4, factual evidence of a violation of *N.J.S.A.* 18A:12-24.1(f) shall include evidence that Respondent took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that Respondent used the schools in order to acquire some benefit for herself, a member of her immediate family or a friend.

Based on its review, the Commission finds that there are insufficient facts and circumstances presented in the Complaint and the Written Statement to lead a reasonable person to believe that *N.J.S.A.* 18A:12-24.1(f) was violated. The Commission notes that the email did not mention the upcoming election or endorse any candidate or political party. Further, Respondent herself was also not a candidate for political office, and therefore, did not experience a benefit. As such, while Respondent co-authored the letter to the community, the Complaint does not demonstrate that Respondent took action on behalf of, or at the request of, a special interest group or political party, or that she used the schools for personal gain. Accordingly, and pursuant to *N.J.A.C.* 6A:28-9.7(b), the Commission dismisses the alleged violation of *N.J.S.A.* 18A:12-24.1(f).

IV. Decision

In accordance with *N.J.S.A.* 18A:12-29(b), and for the reasons detailed herein, the Commission hereby notifies Complainant and Respondent that there are insufficient facts and circumstances pled in the Complaint and in the Written Statement to lead a reasonable person to

believe that the Act was violated as alleged in the Complaint and, consequently, dismisses the above-captioned matter. *N.J.A.C. 6A:28-9.7(b)*.

The within decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a)*. Under *New Jersey Court Rule 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Robert W. Bender, Chairperson

Mailing Date: January 28, 2025

***Resolution Adopting Decision
in Connection with C29-24***

Whereas, at its meetings on December 17, 2024, and January 28, 2025, the School Ethics Commission (Commission) considered the Complaint and the Written Statement, submitted in connection with the above-referenced matter; and

Whereas, at its meetings on December 17, 2024, and January 28, 2025, the Commission discussed finding that the facts and circumstances presented in the Complaint and the Written Statement would not lead a reasonable person to believe that the Act was violated, and therefore, dismissing the above-captioned matter; and

Whereas, at its meeting on January 28, 2025, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meetings on December 17, 2024, and January 28, 2025; and

Now Therefore Be It Resolved, that the Commission hereby adopts the decision and directs its staff to notify all parties to this action of its decision herein.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on January 28, 2025.

Brigid C. Martens, Director
School Ethics Commission